

S/N 10/573318

REMARKS

Favorable reconsideration of this application is requested in view of the above amendments and following remarks.

Claim 1 has been amended as supported, for example, by the specification on page 11, lines 5-9 and Figure 2A.

Claim 3 has been amended as supported, for example, by the specification on page 15, lines 13-15, Figure 2A and Figure 4.

Claim 4 has been added. Claim 4 sets forth an additional feature supported by Figure 2A.

Prior Art Rejections

Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by LaFleur (U.S. 5,944,251).

Claim 1 requires each of the first and second elongated flexible sheets include a first wider width portion between each said projecting portion and an adjacent cross sealing portion, a narrower width portion at each said projecting portion, and a second wider width portion between each said projecting portion and another adjacent cross sealing portion. One advantage is this structure is useful in gripping the pouch when separated from the elongated packaging material.

LaFleur discloses a liner with a wide top section, a middle section with a cross-sectional area that remains constant, and a narrow bottom section (see FIG. 8). In addition, LaFleur states, "[t]he liner 10 is desirably circumferentially continuous. . ." (see column 3, lines 43-44). Therefore, the structure of the liner does not meet the requirements for the claimed packaging material which is defined as having a narrower projecting portion and claim 1 is not anticipated by LaFleur.

Therefore, the rejection of claim 1 should be withdrawn.

Claim 3 further requires that the side sealing portions include an inclined portion for connection to an adjacent cross sealing portion, the inclined portion having a larger width than other portions of the side sealing portion. One advantage of the wider width of side sealing portion of the inclined portion is improved reinforcement.

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LaFleur discloses a liner whose side seals are continuous in width (see FIG. 8). Therefore, the structure of the liner does not meet the requirements for the claimed packaging material which is defined as having a wider sealing portion of the inclined portion and claim 3 is further removed from LaFleur.

Claim 2 is allowable at least by virtue of its dependence on independent claim 1. The rejection of this claim should be withdrawn. Applicants do not concede the correctness of the rejection.

New Claims

New dependent claim 4 is supported by FIG. 2A and provides an additional distinguishing feature of a cross sealing portion that is narrower than the first wider width portion. Claim 4 is allowable at least by virtue of its dependence on independent claim 1. Therefore, this new claim should be allowable.

Applicants respectfully request that a timely Notice of Allowance be issued in this case.

If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

Dated: May 7, 2009

Respectfully submitted,

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